

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6791 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

UKAI ASAR GRAST KHEDUT SAMITI

Versus

STATE OF GUJARAT

Appearance:

MR GIRISH PATEL for Petitioners
GOVERNMENT PLEADER for Respondent No. 1

CORAM : MR.JUSTICE C.K.THAKKER and
MR.JUSTICE R.P.DHOLAKIA

Date of decision: 21/01/98

ORAL JUDGEMENT (Per C.K.Thakker,J)

This petition is filed by the petitioners for appropriate writ, direction and/or order directing the Respondent Authorities to restore possession of surplus land to the original owners who were deprived of their lands as a result of Ukai Project and for other

consquential reliefs.

2. The case of the petitioners was that the State of Gujarat decided to undertake construction of Ukai Prooject on Tapi river in South Gujarat. The project was completed in 1972. As a result of the construction of Ukai Dam several villages were affected. It is also the case of the petitioners that a number of persons affected by the above project were tribals and were wholly dependent for their livelihood upon agricultural land. For rehabilitation and resettlement of those persons, no proper scheme was framed nor adequate compensation was paid. It was asserted that the land was also not required and possession was also never taken from land owners. They, therefore, approached this court that the Government may be directed to drop proceedings and/or to restore possession which has been taken from the persons concerned. It was further stated in the petition that the government used to permit cultivators to cultivate surplus land till 1988 but thereafter the govenment had stopped that policy of permitting cultivation and collecting revenue from agriculturists. They have also made a representation to the government upto the highest level of Chief Minister for return of their lands but no action was taken by the authorities. According to them some of the officers of the Government were also of the view that the land was not needed and that the possession could be restored but no positive action was taken by the authorities. Initially notice was issued and after hearing the parties the petitions were admitted and ad-interim relief was also granted which was continued from time to time. Today the matter is called out for final hearing.

3. Mr.Girish Patel, Learned Counsel for the petitioners produced on record a decsion taken by the Government of Gujarat on 1.1.1990, wherein it was stated that the question of restoration of possession and returning land to the respective land holders was under consideration of the Government. The Government sympathetically considered the matter and it was decided in the light of the resolution of October 7,1967 that if the land would not be needed for the purpose of Ukai Project and would not be utilised for that purpose, it would be given back to their owners. Appropriate instructions were already issued for the said purpose to Additional Collector (Irrigation) South Gujarat, Vadodara. It was, therefore, stated in the ultimate paragraph of the order that the affected agriculturistes would not have any difficulty.

4. The above communication is taken on record. In view of the said decision, in our opinion, the petition has become infructuous and it does not survive. The petition is accordingly disposed of by holding that it has become infructuous and does not survive. It is accordingly disposed of. Rule is discharged. Ad-interim relief vacated. No order as to costs. Liberty to revive in case of difficulty.

jitu